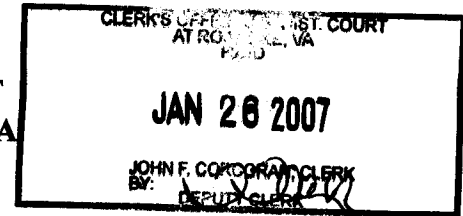


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



NATASHA MARIE MARKLE,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civil Action No. 7:06CV00438

**ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that the respondent's second motion to dismiss is **DENIED** as to the petitioner's claim that her attorney was ineffective for failing to file a notice of appeal. The respondent is directed to file a response to the merits of this claim within twenty (20) days.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26<sup>th</sup> day of January, 2007.

  
United States District Judge